



In addition, defendants' counterclaims IV, V, and VI, apart from their failure to plead facts sufficient to establish that defendants' own the marks at issue, also fail to plead sufficient factual matter to make those claims plausible. The Court should dismiss those counterclaims for these additional reasons.

The points and authorities in support of this Motion are set forth with more particularity in the accompanying Memorandum Of Points And Authorities In Support Of The Motion Of Plaintiffs, Counterclaim Defendants To Dismiss Defendants' Counterclaims, filed simultaneously with this Motion.

**WHEREFORE** Plaintiffs Mayor and City Council of Baltimore City, Baltimore Festival of the Arts, Inc., and Baltimore Office of Promotion & the Arts, Inc. respectfully request that this Court grant the Motion Of Plaintiffs, Counterclaim Defendants To Dismiss Defendants' Counterclaims.

Date: December 5, 2016

/s/  
\_\_\_\_\_  
William Alden McDaniel, Jr.  
Fed. Bar No. 000571  
Ballard Spahr LLP  
300 East Lombard Street, 18<sup>th</sup> Floor  
Baltimore, Maryland 21202  
Tel: 410. 528-5600  
Fax: 410. 528-5650  
E-mail: [mcdanielw@ballardspahr.com](mailto:mcdanielw@ballardspahr.com)

**OF COUNSEL:**

Jamie Bischoff  
*Pro Hac Vice* Motion Pending  
Ballard Spahr LLP  
1735 Market Street, 51st Floor  
Philadelphia, Pennsylvania 19103  
Tel: 215.665.8500  
Fax: 215.864.8999  
E-mail: [bischoff@ballardspahr.com](mailto:bischoff@ballardspahr.com)

*Attorneys for Plaintiffs, Counterclaim  
Defendants, Mayor And City Council Of  
Baltimore, A Municipal Corporation;  
Baltimore Festival Of The Arts, Inc.; and  
Baltimore Office Of Promotion & The Arts,  
Inc.*

/s/ \_\_\_\_\_  
David Ralph  
Acting City Solicitor  
Matthew Nayden Fed. Bar No. 04751  
Chief, Litigation Practice Group  
Baltimore City Law Department  
Room 101  
City Hall  
100 North Holliday Street  
Baltimore, Maryland 21202  
Tel: (443) 984-7304  
Fax: (410) 547-1025  
E-mail: Matthew.Nayden@[baltimorecity.gov](mailto:Matthew.Nayden@baltimorecity.gov)

*Attorneys for Plaintiff, Counterclaim  
Defendant Mayor and City Council of  
Baltimore City, A Municipal Corporation*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5th day of December, 2016, a copy of foregoing was served by the Court's ECF filing system on:

Julie A. Hopkins, Esquire  
Womble Carlyle Sandridge & Rice, LLP  
100 Light Street  
26<sup>th</sup> Floor  
Baltimore, MD 21202

*Attorneys for Defendants / Counterclaim Plaintiffs*

Arthur A. Ebbs, Esquire  
*Pro Hac Vice*  
Womble Carlyle Sandridge & Rice, LLP  
271 17<sup>th</sup> Street NW  
Suite 2400  
Atlanta, Georgia 30363

*Attorneys for Defendants / Counterclaim Plaintiffs*

/s/ \_\_\_\_\_  
William Alden McDaniel, Jr